

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRANCH BANKING AND TRUST COMPANY,	:	CIVIL ACTION NO. 1:16-CV-712
	:	
	:	(Chief Judge Conner)
Plaintiff	:	
	:	
v.	:	
	:	
ANGINO LAW FIRM, P.C., et al.,	:	
	:	
Defendants	:	

BRANCH BANKING AND TRUST COMPANY,	:	CIVIL ACTION NO. 1:16-CV-713
	:	
	:	(Chief Judge Conner)
Plaintiff	:	
	:	
v.	:	
	:	
ANGINO LAW FIRM, P.C., et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 2nd day of July, 2018, upon consideration of the motion (Doc. 41)¹ for sanctions filed by defendants in the above-captioned actions pursuant to Federal Rule of Civil Procedure 11 and 28 U.S.C. § 1927, wherein defendants request that the court deny plaintiff's claim for attorneys' fees and order plaintiff's counsel to pay monetary sanctions for "grossly misrepresenting" same, (Doc. 41 at 9), and plaintiff's response (Doc. 47) in opposition, and the court observing that Rule

¹ Defendants filed an identical motion in each of the above-captioned matters. For ease of reference, the court cites only to docket entries in the first-filed action, Branch Banking and Trust Co. v. Angino Law Firm, P.C., et al., No. 1:16-CV-712.

11 sanctions are warranted only when the filing party has acted in an “objectively unreasonable manner,” Fellheimer, Eichen & Braverman, P.C. v. Charter Techs., Inc., 57 F.3d 1215, 1225 (3d Cir. 1995), and the court further observing that to impose sanctions under Section 1927, a court must find an attorney has (1) multiplied proceedings; (2) in an unreasonable and vexatious manner; (3) thereby increasing the costs of the litigation; and (4) by engaging in bad faith or intentional misconduct, In re Prosser, 777 F.3d 154, 161 (3d Cir. 2015) (citing In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions, 278 F.3d 175, 188 (3d Cir. 2002) (quotations omitted)), and the court finding that the circumstances of plaintiff’s request for attorneys’ fees *sub judice* provide no bases for the imposition of sanctions under either Rule 11 or Section 1927, it is hereby ORDERED that defendants’ motion (Doc. 41) is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania